

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/666,123	BRENTLINGER, KAREN W.	
	Examiner	Art Unit	
	Tam Nguyen	3764	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on December 5, 2005.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date <u>9-22-03</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>12-5-05</u></li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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**Stephen K. Cronin**  
 Primary Examiner

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Donald R. Schoonover on December 5, 2005.

1. The application has been amended as follows:

In the Specification:

On page 15, on line 24, delete "to" after "between"

In the claims:

In claim 2, delete lines 1 and 2 and insert

--2. The exercise device as described in claim 1 wherein the anchor unit is adapted to be fixedly secured to a swimming pool ladder.--

In claim 8, line 110, delete "the swimming pool" and insert --a swimming pool--

Claim 9 is cancelled.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

In view of the applicant's amendments and after further consideration of the invention, the claims as presented avoid the prior art of record. The prior art does not disclose a swimming exercise device having a belt unit, a pair of Y-shaped restraining

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straps releasably coupled to the belt unit and an anchor unit releasably coupled to the straps and adapted to be fixedly secured to a stationary element to allow for a user to essentially swim in place. In particular, the belt unit includes a hip-encircling element having two ends, each with a hook and loop fastener material that allows for the hip-encircling element to be adjustably secured around the user and a third hook and loop fastener material disposed on an outside portion of the hip-encircling element. Each of the restraining straps include one end having two legs with hook and loop fasteners disposed on a distal end of the legs for releasable attachment to the third hook and loop fastener material, an opposite end that includes a hook for releasable attachment to the anchor unit and an adjustment buckle disposed between the two ends wherein the legs of each strap are releasably attachable to multiple locations on the hip encircling element to provide the user with proper fit, alignment and comfort while distributing the restraint around the waist of the user to swim in place. The anchor unit includes an elongated anchor body having a first anchor ring on one end of the body, a second anchor ring on the other end of the anchor body and a third anchor ring disposed between the first and second anchor rings wherein the hook of one strap is connected to the first anchor ring, the hook of the other strap is connected to the second anchor ring and the third anchor ring is adapted to be fixedly secured to a stationary element such as a swimming pool ladder to allow the user to swim in place.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carter '020, MacLennan '404 and Riera '815 each disclose a swimming exercise apparatus having two restraining straps but they do not disclose that the straps are Y-shaped or that the straps are adjustably securable along various positions on the a belt for improved distribution of the resistance force on the user.

Ashrow '522, Earner '923, Schmitt '096 and Croushore '982 are representative of the prior art that disclose swimming harnesses attached to a single restraint strap or cord. Horn' 514, Meier '905, Bray '893 and Kallasay '530 each disclose swimming exercise devices having belts that include flotation means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 5, 2005

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Stephen K. Cronin  
Primary Examiner